

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

UNITED STATES)
vs.)
KIRK RENALDI)
)

2007 JUL -9 P 2:44
NO: 03-CR-10385-RGS
U.S. DISTRICT COURT
DISTRICT OF MASS.

DEFENDANT'S VERIFIED
THIRD MOTION TO WITHDRAW DEFENSE COUNSEL,
& APPOINTMENT OF NEW COUNSEL

Now comes the Defendant, Kirk Rinaldi, pro-se, who prays that this Honorable Court allow his motion to withdraw his present lawyer. As grounds thereto, this defendant avers the following;

1. Attorney Karnig Boyajian has been dilatory in his efforts on this defendant's behalf.
2. He has failed to pursue assignments that this defendant has tasked counsel with.
3. There has been a lack of communication & commitment by Attorney Boyajian. He has only visited this defendant three times since he took this case and this defendant hasn't seen him since last June/2006... over a year ago. Trial is scheduled to begin on (7/16/07).
4. This defendant no longer has faith or trust in this counsel's work.
5. Attorney Boyajian has refused to show me all my discovery, things like ballistic reports etc..
6. All of the "Drug Evidence" has not been properly weighed and there was never an investigation as to why the Lab did not weigh & analyze all of the drug evidence. For instance, why were only (2) samples weighed Not all (3) and the Packaging ? I need to know if the evidence was tainted due to the lab technicians following improper procedure. I needed this attorney to motion the Court for "All" of the "Drugs" to be Weighed, as well as the packaging.

(2)

7. This attorney never filed a "Motion For Expert Witness" to testify for the defense at trial, Nor has he requested that an "Expert Witness" test & weigh the "Drug Evidence".
8. This attorney never filed a "Motion For A PRIVATE INVESTIGATOR" and never motioned the court for "Funds" to hire one to help the defense investigate this case for exculpatory evidence.
9. He has filed "Continuances" . . . that I never requested nor even knew about.
10. I had requested that he file certain "Discovery Motions", such as The "Ballistics Report", and I fall on deaf ears & repair.
11. I requested that he file a "Motion For An Evidentiary Hearing" and he told me; "that's called a trial."
12. He has only visited me three times since October/2004; the last time that I saw him was over a year ago-June/2006. He's made no attempt to prepare this case with me at this "Critical Stage". SEE: VAN V. JONES, 475 F3d 292 (6th Cir. 2007).
13. I've asked this lawyer to show me my "Discovery"; (I've even asked Judge Stearns to have someone send it to me, when I wrote the Court on (3/6/07), for which I only received the Docket Entries). Attorney Boyajian says it's too much & that he's too busy.
14. I have requested that he file a "Motion For Discovery" to compel the U.S. Asst. Atty. General; The Bureau Of Alcohol, Tobacco & Firearms; The Woburn Police & The Everett Police to relinquish the "Ballistics Reports", All "Investigative Reports", "Notes", & "Police Reports", not in the defenses file leading up to the day of my arrest-to date. I also needed him assemble all of this material evidence for my trial which begins in three weeks. This attorney is going into my trial unprepared and doesn't seem to think that I need; the Ballistics Reports, drug lab., and tech. complaints etc., to Re-Weigh the the Drug Evidence, nor to have Expert Witness analyze that evidence, nor to have a Private Investigator investigate my case and get "Receipts".

CONCLUSION

Wherefore, in the interest of justice, this Honorable Court should allow this defendant's motion. This lawyer isn't competent enough to compile the record in time for my trial and this defendant is at the mercy of the Court to Order that these things be done to enable me to assemble a proper defense for my trial

(3)

which begins July 16th, 2007. Substitute Counsel should be Appointed; Pursuant to; § 1915 to the Defendant. For the issues are to complex for Attorney Boyajian and this Defendant has no faith in his representation of him at his up coming trial. Attorney Boyajian is unprepared and can't possibly proceed to trial like this, in odd fashion, especially at this "Critical Stage". For his inaction in preparing for this Defendant's Trial is extreemly prejudicial. A "Substantial Prejudice" to the Defendant's Rights will ultimately arise from Attorney Boyajian's "Ineffective Assistance Of Counsel"; Pursuant to; 6th Amendment of The United State Constitution; & STRICKLAND V. WASHINGTON, 466 U.S. 668 (1984) & UNITED STATES V. CRONIC, 466 U.S. 648 (1984).

As the reasons set forth in support of his motion, this defendant humbly request that the Court allow his motion, for he is unable to fully litigate this matter and is unable to afford counsel to represent him.

MOST RESPECTFULLY SUBMITTED,

June, 23 2007

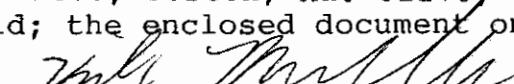

KIRK RINALDI, PRO-SE
MCI CEDAR JUNCTION-WALPOLE
P.O. BOX 100
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02071

Sworn under the pains and penalties of perjury this 23rd day of June, 2007.

CERTIFICATE OF SERVICE

I, Kirk Rinaldi, the defendant in the case at bar, hereby certify, that I have served the U.S. Asst. Atty. Gen. at One Courthouse Way, Suite 9200, Boston, Ma. 02210, via 1st Class U.S. Mail, postage pre-paid; the enclosed document on this 28th day of June, 2007.


KIRK RINALDI, PRO-SE

UNITED STATES DISTRICT COURT
JOHN JOSEPH MOAKLEY FEDERAL COURTHOUSE
OFFICE OF THE CLERK, SUITE 2300
ONE COURTHOUSE WAY
BOSTON, MASS.

02210

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June, 23 U.S. DISTRICT COURT
DISTRICT OF MASS.

RE: UNITED STATES VS. KIRK RENALDI
NO: 03-CR-10385-RGS

Dear Clerk's Office;

Kindly, please find enclosed for filing in the above matter
before this Honorable Court;

- * DEFENDANT'S THIRD MOTION TO WITHDRAW DEFENSE COUNSEL AND
APPOINTMENT OF NEW COUNSEL, VERIFIED; W/EXHIBITS.
- * W/ CERTIFICATE OF SERVICE.

I thank this Honorable Court for it's time & considerations.

MOST RESPECTFULLY SUBMITTED,



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